THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.5552 of 2005

Dated:22.08.2007

Between

Kadiyala Kotaiah

.....Petitioner

and

1.District Panchayat Officer,
Machilipatnam, Krishna district
and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.5552 of 2005

ORDER:

This writ petition has been filed seeking a Mandamus to declare the action of the respondents in not granting the balance lease period of 80 days for excavation of sand, out of the total period of 113 days, for which the petitioner is entitled, as arbitrary, illegal and contrary to the Lease Agreement entered into between the parties.

The facts, in brief, are that pursuant to a tender notification, the petitioner submitted a tender for excavation of sand from Krishna river from 29 KM to 36 KM for the year 2002-2003, which was expired on 10.7.2003. It is the grievance of the petitioner that due to Sivarathri Festival and also due to prohibitory orders under Section 144 of Cr P C, he was not allowed to

excavate sand for 113 days during that period. Therefore, he made a representation to the respondents and the respondents considered the same and extended the lease for 33 days only. According to the petitioner, during this period also, he was not allowed to excavate the sand.

According to the learned counsel for the petitioner in the teeth of the agreement , it was not fair on the part of the respondents in not allowing the petitioner to excavate the sand for 113 days and thereafter, allowed only for 33 days leaving the balance period of 80 days unexcavated. Though the petitioner made a representation in the month of July, 2007, no decision has been taken so far.

In view of the above, without expressing any opinion on merits, the respondents are directed to consider the representation purported to have been made by the petitioner in the month of July, 2007 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, as per law, and communicate the same to the petitioner.

Writ petition is disposed of accordingly. No costs.

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22-08-2007

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